

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 23, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDON KAPP,

Plaintiff,

v.

WASHINGTON STATE

DEPARTMENT OF VETERANS

AFFAIRS,

Defendant.

No. 1:25-cv-03058-SAB

**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT
UNDER RULE 59(e)**

Before the Court are Plaintiff's Motion to Alter or Amend Judgment Under Rule 59(e), ECF No. 21, and related Motion to Expedite and for Indicative Ruling on Relief from Judgment, ECF No. 23. Plaintiff is proceeding *pro se*. Defendant is represented by Brian Baker. The motions were considered without oral argument.

Plaintiff brings these motions seeking to reopen the matter, arguing the Court committed procedural error by not considering the First Amended Complaint as the operative Complaint when it issued its Order Dismissing First Amended Complaint on June 12, 2025. ECF No. 20. Further, Plaintiff argues the Court should have dismissed Defendant's Motion to Dismiss as moot.

Plaintiff's arguments fail. The text of the Court's previous Order, ECF No. 20, specifically states "Defendant's Motion to Dismiss, ECF No. 10, is **DISMISSED as moot.**" Further, the Court reviewed and dismissed the **First ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e)** ~ 1

1 **Amended Complaint**, stating: “[T]he Court notes Plaintiff properly filed his First
2 Amended Complaint, ECF No. 13, pursuant to Fed. R. Civ. P. 15(a) within 21 days
3 of Defendant filing its Motion to Dismiss. This moots Defendant’s Motion.
4 However, the Court has reviewed the First Amended Complaint and now dismisses
5 this matter for failure to state a claim upon which relief can be granted.” *See* ECF
6 No. 20.

7 The Court dismissed Plaintiff’s First Amended Complaint pursuant to 28
8 U.S.C. § 1915(e)(2)(B)(ii). Therefore, Plaintiff’s Motion to Alter or Amend
9 Judgment is denied.

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Plaintiff’s Motion to Alter or Amend Judgment Under Rule 59(e),
12 ECF No. 21, and related Motion to Expedite and for Indicative Ruling on Relief
13 from Judgment, ECF No. 23, are **DENIED**.

14 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
15 this Order, provide a copy to *pro se* Plaintiff and counsel, and **keep the filed**
16 **closed**.

17 **DATED** this 23rd day of June 2025.



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A handwritten signature in green ink that reads "Stan Bastian".

Stan Bastian
Chief United States District Judge